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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/687,729

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Alvin Y. Kobashikawa

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12/12/2007

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EXAMINER

GILBERT, SAMUEL G

ART UNIT

PAPER NUMBER

3735

MAIL DATE

DELIVERY MODE

12/12/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/687,729	<b>Applicant(s)</b> KOBASHIKAWA ET AL.	
	<b>Examiner</b> Samuel G. Gilbert	<b>Art Unit</b> 3735	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 16-23 is/are allowed.
- 6) ☒ Claim(s) 1,2,4,9 and 24-30 is/are rejected.
- 7) ☒ Claim(s) 3, 5-8, and 10-15 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 9 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 9 - "said upper body" line 2 lacks antecedent basis and it is unclear to the examiner what structure is being referred to.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Altmayer (3,873,985).

Claim 1 - a variable stroke device including a base portion shown in figure 1 to the left of element -84- including a motor -64-, a connection to deliver power, which is a source of power. The device includes an upper portion shown generally by -18- and a threaded rod -66- extending into the upper portion. A traveler is set forth by element -32- and a member -24- is driven in a reciprocating longitudinal motion.

Claims 2 and 4 - the examiner is taking the receiver and inductor -61- as electronic controls .

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 24-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sandvick et al (6,368,268, hereinafter Sandvick)) in view of Bowman-Amuah (6,332,163, hereinafter Bowman).

Claim 24 - Sandvick teaches a system including electronic stimulation devices are set forth as elements -15- and -35-, the stimulators are shown as receiving signals only however, the input device may be the stimulator, as set forth in column 3 lines 16. The examiner is considering these input devices to be similar to the devices set forth by Abbassi (2003/0036678). A network connection is shown in figure 1. Cameras -13- and -33- and a microphone (not shown) are used to transmit sound and video. An external service is set forth in column 4 lines 16-20. The external service allows a plurality of users, column 4 line 19 and setting forth a plurality of different types of internet site and administrative functions such as ID and password verification (column 4 lines 63-67). Pay sites inherently include billing and payment methods. A specific three tiered website is not set forth. Bowman sets forth a description of tiered

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architecture column 32 lines 15 through column 34 line 25 pointing out three-tiered or multi-tiered website architecture is well known in the arts. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the website format in a three tier format as claimed to gain the advantages as set forth in column 33 line 40 through column 34 line 10.

Claim 25 - Sandvick teaches a system as claimed including setting forth a plurality of different types of internet site and administrative functions such as ID and password verification (column 4 lines 63-67). Pay sites inherently include billing and payment methods. A specific three tiered website is not set forth. Bowman sets forth a description of tiered architecture column 32 lines 15 through column 34 line 25 pointing out three-tiered or multi-tiered website architecture is well known in the arts. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the website format in a three tier format as claimed to gain the advantages as set forth in column 33 line 40 through column 34 line 10.

Claim 26 - the user ID and password would require a registration site which obviously could be on its own tier.

Claim 27- any number of persons may interconnect to form a session column 4 lines 19 and 20 and they may interconnect to live feeds, column 4 line 18 and 19 or prerecorded video feeds, column 4 line 33. See also column 4 lines 46-51.

Claim 28 - the live video feeds include audio and visual from a physical location.

Claim 29 - observers are taught in column 4 line 22.

Claim 30 - chat rooms and video feed sites are taken to be “virtual conference room” and to inherently include posted images.

### ***Response to Arguments***

Applicant's arguments filed 7/9/2007 have been fully considered but they are not persuasive. The applicant argues that the specific three tier system is not set forth in Bowman only the teaching of providing different tiers. It is the examiner's position that one of ordinary skill in the arts would have been able to provide the claimed three tiered system by taking the concept of tiered service as taught by Bowman and applying the concept to known internet business practices. The applicant has not invented administration for registering identities, promoting and marketing or affiliating a broad variety of consumables through a single access point. The use of a separate tier for these known functions would have been obvious to one of ordinary skill in the art in view of the concept taught by Bowman as ordinary design considerations to practitioners in the art.

### ***Allowable Subject Matter***

Claims 3, 5-8, and 10-15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 9 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Claims 16-23 are allowed.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US Patent 3,216,225 teaches a related reciprocating device.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samuel G. Gilbert whose telephone number is 571-272-4725. The examiner can normally be reached on Monday-Friday 6:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Marmor II can be reached on 571-272-4730. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Samuel G. Gilbert/  
Primary Examiner, Art Unit 3735

Samuel G. Gilbert  
Primary Examiner  
Art Unit 3735